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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/553,715   | 04/12/2007  | Eileen Chu Hing      | ZIO005-219015       | 5813             |
| 86/001 7590 02/18/2011<br>Stamoulis & Weinblatt LLC<br>Two Fox Point Centre, 6 Denny Road, Suite 307<br>Wilmington, DE 19809 |             |                      |                     |                  |
| EXAMINER   |             |                      |                     |                  |
| BROWN, CHRISTOPHER J   |             |                      |                     |                  |
| ART UNIT   |             | PAPER NUMBER         |                     |                  |
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary****Application No.**

10/553,715

**Applicant(s)**

HING, EILEEN CHU

**Examiner**

CHRISTOPHER J. BROWN

**Art Unit**

2439

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 November 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 and 10-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 10-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-940)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### **Response to Arguments**

Applicant's arguments have been fully considered but they are not persuasive. Applicant argues that the claims are not abstract ideas. The USPTO USC 101 test requires a specific machine for a claim to be considered for Patentability. New Claim 13 is also rejected under USC 101.

Argument with regard to USC 102 and 103 rejections are moot, as the rejection has been amended with new reference Weinberg US 6,549,944 and Foo US 2006/024/0396

### **Claim Rejections - 35 USC § 101**

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

the claimed invention is directed to non-statutory subject matter. Claims 1-13 are rejected because they may be interpreted as being comprised completely of software. A claim is considered to be patentable only if it is tied to a specific machine. Claims may be amended to overcome this rejection by inclusion of a hardware processor, or a computer readable storage medium..

**Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1, 2, 4-6, 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keys US 2001/0050681 in view of Weinberg US 6,549,944**

As per claim 1, Keys teaches A computer-implemented system (19) used in conjunction with an application service provider (ASP) (21) and an existing client database, the system comprising: a user information database (23) derived from the client database; a messaging and collaboration system operatively associated with the user information database; at least one template (29) configured to be populated by the messaging and collaboration system. [0012], [0024]. [0027], [0051].

Weinberg teaches at least one agent operatively associated with the messaging and collaboration system for generating (25) web scripts independently of the existing client database and from access to the template and the user information database in response to a user request (Col 3 lines 5-15, Col 23 lines 15-33).

It would have been obvious to use the scripts of Weinberg with the document system of Keys because it is a well known method for executable web interaction with a user.

As per claim 2, a data structure (31) associated with the template, the data structure being populated to optimize the generation of additional web scripts [0012] [0027].

As per claim 4, 11. Keys teaches a status module (87) programmed to generate an email with status information and direct said email to one of the user and the ASP; and a payment module for generating invoices to the user in response user access to the system [0056] [0060].

As per claim 5, 12 Keys teaches programming (95) to update the client database with data inputted by the user [0051].

As per claim 6, 13 Keys teaches A method for processing information received from a user of an application, the method comprising the steps of: providing a computer-implemented system (19) used in conjunction with an application service provider (ASP) (21) and an existing client database, the system comprising a user information database (23) derived from the client database, a messaging and collaboration system operatively associated with the user information database, at least one template (29) configured to be populated by the messaging and collaboration system, and at least one agent operatively associated with the messaging and collaboration system for generating [0012], [0024] [0027], [0051] [0052].

Weinberg teaches web scripts independently of the existing client database and from access to the template and the user information database in response to a user request; receiving a user-initiated request for information to be processed by the application; displaying a form generated by a web script in response to the user-initiated request; and accessing the client information database either in response to the user-initiated request or in response to an input of data on the form request (Col 3 lines 5-15, Col 23 lines 15-33).

It would have been obvious to use the scripts of Weinberg with the document system of Keys because it is a well known method for executable web interaction with a user.

**Claims 3, 7, 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keys US 2001/0050681 in view of Weinberg US 6,549,944 in view of Foo US 2006/0240396**

As per claim 3, 10. Keys teaches a programming module (81) for executing the web scripts, a communications module (83) for communicating inputted data from the programming module (81) to a client mail server (49); suitable programming for processing the inputted data independently of the programming module (81), [0012], [0024], [0027], [0051].

Keys fails to teach encryption.

Foo teaches the module having subroutines for encrypting data entered by the user; the suitable programming including a decryption routine, [0109]

It would have been obvious to one of ordinary skill in the art to use the encryption of Foo with the system of Keys because it increases network communication.

As per claim 7. Keys teaches data inputted by the user prior to transmission; transmitting the inputted data to both the client and the ASP; and generating a status update accessible to the user. [0056] [0060].

Foo teaches encryption [0109].

It would have been obvious to one of ordinary skill in the art to use the encryption of Foo with the system of Keys because it increases network communication.

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTOPHER J. BROWN whose telephone number is (571)272-3833. The examiner can normally be reached on 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edan Orgad can be reached on (571)272-7884. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher J Brown/  
Primary Examiner, Art Unit 2439

2/14/11